

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 368

100TH GENERAL ASSEMBLY

2019

1861S.02T

AN ACT

To repeal sections 68.040, 144.070, 194.225, 301.032, 301.560, 302.170, 302.171, 302.720, and 302.768, RSMo, and to enact in lieu thereof nine new sections relating to transportation, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 68.040, 144.070, 194.225, 301.032, 301.560, 302.170, 302.171, 302.720, and 302.768, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 68.040, 144.070, 194.225, 301.032, 301.560, 302.170, 302.171, 302.720, and 302.768, to read as follows:

68.040. 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities and the financing of port improvement projects; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 municipalities, all insurance companies and associations, and other persons
18 carrying on an insurance business, all banks, trust companies, saving
19 associations, savings and loan associations, credit unions, investment companies,
20 all administrators, guardians, executors, trustees, and other fiduciaries, and all
21 other persons whatsoever, who now or may hereafter be authorized to invest in
22 notes and bonds or other obligations of this state, may properly and legally invest
23 funds, including capital, in their control or belonging to them.

24 5. No port authority shall be required to pay any taxes or any
25 assessments whatsoever to this state or to any political subdivisions,
26 municipality, or other governmental agency of this state. The notes and bonds
27 of every port authority and the income therefrom shall, at all times, be exempt
28 from any taxes and any assessments, except for death and gift taxes and taxes on
29 transfers. **Additionally, the leases of both real and personal property by**
30 **or to any port authority involving the issuance of bonds authorized**
31 **under this chapter shall be exempt from taxation. A port authority**
32 **issuing bonds under this chapter for incentivized development shall**
33 **require the developer of any project which is to be leased to such**
34 **developer, or any other party, to confer with the affected taxing**
35 **authorities, and subsequently contractually require the payment of**
36 **such sums as they may agree upon, or the port authority may elect to**
37 **require such sums to be allocated among such taxing authorities on the**
38 **same pro rata basis as are ad valorem property tax revenues.**

39 6. Every port authority shall have the powers and be governed by the
40 procedures now or hereafter conferred upon or applicable to the environmental
41 improvement authority, chapter 260, relating to the manner of issuance of
42 revenue bonds and notes, and the port authority shall exercise all such powers
43 and adhere to all such procedures insofar as they are consistent with the
44 necessary and proper undertaking of its purposes.

144.070. 1. At the time the owner of any new or used motor vehicle,
2 trailer, boat, or outboard motor which was acquired in a transaction subject to
3 sales tax under the Missouri sales tax law makes application to the director of
4 revenue for an official certificate of title and the registration of the motor vehicle,
5 trailer, boat, or outboard motor as otherwise provided by law, the owner shall
6 present to the director of revenue evidence satisfactory to the director of revenue
7 showing the purchase price exclusive of any charge incident to the extension of
8 credit paid by or charged to the applicant in the acquisition of the motor vehicle,

9 trailer, boat, or outboard motor, or that no sales tax was incurred in its
10 acquisition, and if sales tax was incurred in its acquisition, the applicant shall
11 pay or cause to be paid to the director of revenue the sales tax provided by the
12 Missouri sales tax law in addition to the registration fees now or hereafter
13 required according to law, and the director of revenue shall not issue a certificate
14 of title for any new or used motor vehicle, trailer, boat, or outboard motor subject
15 to sales tax as provided in the Missouri sales tax law until the tax levied for the
16 sale of the same under sections 144.010 to 144.510 has been paid as provided in
17 this section or is registered under the provisions of subsection 5 of this section.

18 2. As used in subsection 1 of this section, the term "purchase price" shall
19 mean the total amount of the contract price agreed upon between the seller and
20 the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard
21 motor, regardless of the medium of payment therefor.

22 3. In the event that the purchase price is unknown or undisclosed, or that
23 the evidence thereof is not satisfactory to the director of revenue, the same shall
24 be fixed by appraisement by the director.

25 4. The director of the department of revenue shall endorse upon the
26 official certificate of title issued by the director upon such application an entry
27 showing that such sales tax has been paid or that the motor vehicle, trailer, boat,
28 or outboard motor represented by such certificate is exempt from sales tax and
29 state the ground for such exemption.

30 5. Any person, company, or corporation engaged in the business of renting
31 or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used
32 exclusively for rental or lease purposes, and not for resale, may apply to the
33 director of revenue for authority to operate as a leasing **or rental** company **and**
34 **pay an annual fee of two hundred fifty dollars for such authority.** Any
35 company approved by the director of revenue may pay the tax due on any motor
36 vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time
37 of registration thereof or in lieu thereof may pay a sales tax as provided in
38 sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to
39 and paid by a leasing company which does not exercise the option of paying in
40 accordance with section 144.020, on the amount charged for each rental or lease
41 agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled
42 in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased
43 as the result of a contract executed in this state shall be presumed to be
44 domiciled in this state.

45 6. Every applicant to be a lease or rental company shall furnish
46 with the application a corporate surety bond or irrevocable letter of
47 credit, as defined in section 400.5-102, issued by any state or federal
48 financial institution in the penal sum of one hundred thousand dollars,
49 on a form approved by the department. The bond or irrevocable letter
50 of credit shall be conditioned upon the lease or rental company
51 complying with the provisions of any statutes applicable to lease or
52 rental companies, and the bond shall be an indemnity for any loss
53 sustained by reason of the acts of the person bonded when such acts
54 constitute grounds for the suspension or revocation of the lease or
55 rental license. The bond shall be executed in the name of the state of
56 Missouri for the benefit of all aggrieved parties or the irrevocable
57 letter of credit shall name the state of Missouri as the beneficiary;
58 except that, the aggregate liability of the surety or financial institution
59 to the aggrieved parties shall, in no event, exceed the amount of the
60 bond or irrevocable letter of credit. The proceeds of the bond or
61 irrevocable letter of credit shall be paid upon receipt by the
62 department of a final judgment from a Missouri court of competent
63 jurisdiction against the principal and in favor of an aggrieved party.

64 7. Any corporation may have one or more of its divisions separately apply
65 to the director of revenue for authorization to operate as a leasing company,
66 provided that the corporation:

67 (1) Has filed a written consent with the director authorizing any of its
68 divisions to apply for such authority;

69 (2) Is authorized to do business in Missouri;

70 (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or
71 outboard motor from one of its divisions to another of its divisions as a sale at
72 retail;

73 (4) Has registered under the fictitious name provisions of sections 417.200
74 to 417.230 each of its divisions doing business in Missouri as a leasing company;
75 and

76 (5) Operates each of its divisions on a basis separate from each of its other
77 divisions. However, when the transfer of a motor vehicle, trailer, boat or
78 outboard motor occurs within a corporation which holds a license to operate as
79 a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the
80 provisions in subdivision (3) of this subsection shall not apply.

81 [7.] 8. If the owner of any motor vehicle, trailer, boat, or outboard motor
82 desires to charge and collect sales tax as provided in this section, the owner shall
83 make application to the director of revenue for a permit to operate as a motor
84 vehicle, trailer, boat, or outboard motor leasing company. The director of revenue
85 shall promulgate rules and regulations determining the qualifications of such a
86 company, and the method of collection and reporting of sales tax charged and
87 collected. Such regulations shall apply only to owners of motor vehicles, trailers,
88 boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or
89 outboard motor leasing companies under the provisions of subsection 5 of this
90 section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat
91 or outboard motor renting or leasing company can come under sections 144.010,
92 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and
93 outboard motors held for renting and leasing are included.

94 **9. Any person, company, or corporation engaged in the business**
95 **of renting or leasing three thousand five hundred or more motor**
96 **vehicles which are to be used exclusively for rental or leasing purposes**
97 **and not for resale, and that has applied to the director of revenue for**
98 **authority to operate as a leasing company may also operate as a**
99 **registered fleet owner as prescribed in section 301.032.**

100 [8.] 10. Beginning July 1, 2010, any motor vehicle dealer licensed under
101 section 301.560 engaged in the business of selling motor vehicles or trailers may
102 apply to the director of revenue for authority to collect and remit the sales tax
103 required under this section on all motor vehicles sold by the motor vehicle dealer.
104 A motor vehicle dealer receiving authority to collect and remit the tax is subject
105 to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer
106 authorized to collect and remit sales taxes on motor vehicles under this
107 subsection shall be entitled to deduct and retain an amount equal to two percent
108 of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax
109 collected under this subsection that is retained by a motor vehicle dealer
110 pursuant to section 144.140 shall not constitute state revenue. In no event shall
111 revenues from the general revenue fund or any other state fund be utilized to
112 compensate motor vehicle dealers for their role in collecting and remitting sales
113 taxes on motor vehicles. In the event this subsection or any portion thereof is
114 held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor
115 vehicle dealer shall be authorized to collect and remit sales taxes on motor
116 vehicles under this section. No motor vehicle dealer shall seek compensation

117 from the state of Missouri or its agencies if a court of competent jurisdiction
118 declares that the retention of two percent of the motor vehicle sales tax is
119 unconstitutional and orders the return of such revenues.

194.225. 1. A donor may make an anatomical gift:

2 (1) By authorizing a statement or symbol indicating that the donor has
3 made an anatomical gift to be imprinted on the **face of the** donor's driver's
4 license or identification card, **or by placing a donor symbol sticker**
5 **authorized and issued by the department of health and senior services**
6 **on the back of the donor's driver's license or identification card**
7 **indicating that the donor has made an anatomical gift;**

8 (2) In a will;

9 (3) During a terminal illness or injury of the donor, by any form of
10 communication addressed to at least two adults at least one of whom is a
11 disinterested witness; or

12 (4) As provided in subsection 2 of this section.

13 2. A donor or other person authorized to make an anatomical gift under
14 section 194.220 may make a gift by a donor card or other record signed by the
15 donor or other person making the gift or by authorizing that a statement or
16 symbol indicating that the donor has made an anatomical gift be included on a
17 donor registry. If the donor or other person is physically unable to sign a record,
18 the record may be signed by another individual at the direction of the donor or
19 the other person and shall:

20 (1) Be witnessed by at least two adults at least one of whom is a
21 disinterested witness, who have signed at the request of the donor or the other
22 person; and

23 (2) State that it has been signed and witnessed as provided in subdivision
24 (1) of subsection 1 of this section.

25 3. Revocation, suspension, expiration, or cancellation of the driver's
26 license or identification card upon which an anatomical gift is indicated does not
27 invalidate the gift.

28 4. An anatomical gift made by will takes effect upon the donor's death
29 whether or not the will is probated. Invalidation of the will after the donor's
30 death does not invalidate the gift.

31 **5. The department of health and senior services shall include on**
32 **its website information about organ donation and a link where persons**
33 **making an anatomical gift can register. Once a person has registered**

34 as a donor on the website, the department of health and senior services
35 shall contact the department of revenue to determine whether the
36 organ donor symbol is printed on the front of the registrant's driver's
37 license or identification card. If the donor symbol does not appear on
38 the front of the registrant's driver's license or identification card, the
39 department of health and senior services shall mail to the registrant,
40 through first class mail, a donor symbol sticker to be placed on the
41 back of his or her driver's license or identification card as provided
42 under this section and section 302.171.

43 **6. All state agencies and departments may provide a link on the**
44 **homepage of their website directing the public to the organ donation**
45 **information and registration link on the department of health and**
46 **senior services website.**

301.032. 1. Notwithstanding the provisions of sections 301.030 and
2 301.035 to the contrary, the director of revenue shall establish a system of
3 registration of all fleet vehicles owned or purchased by a fleet owner registered
4 pursuant to this section. The director of revenue shall prescribe the forms for
5 such fleet registration and the forms and procedures for the registration updates
6 prescribed in this section. Any owner of ten or more motor vehicles which must
7 be registered in accordance with this chapter may register as a fleet owner. All
8 registered fleet owners may, at their option, register all motor vehicles included
9 in the fleet on a calendar year or biennial basis pursuant to this section in lieu
10 of the registration periods provided in sections 301.030, 301.035, and
11 301.147. The director shall issue an identification number to each registered
12 owner of fleet vehicles.

13 2. All fleet vehicles included in the fleet of a registered fleet owner shall
14 be registered during April of the corresponding year or on a prorated basis as
15 provided in subsection 3 of this section. Fees of all vehicles in the fleet to be
16 registered on a calendar year basis or on a biennial basis shall be payable not
17 later than the last day of April of the corresponding year, with two years' fees due
18 for biennially-registered vehicles. Notwithstanding the provisions of section
19 307.355, an application for registration of a fleet vehicle must be accompanied by
20 a certificate of inspection and approval issued no more than one hundred twenty
21 days prior to the date of application. The fees for vehicles added to the fleet
22 which must be licensed at the time of registration shall be payable at the time of
23 registration, except that when such vehicle is licensed between July first and

24 September thirtieth the fee shall be three-fourths the annual fee, when licensed
25 between October first and December thirty-first the fee shall be one-half the
26 annual fee and when licensed on or after January first the fee shall be one-fourth
27 the annual fee. When biennial registration is sought for vehicles added to a fleet,
28 an additional year's annual fee will be added to the partial year's prorated fee.

29 3. At any time during the calendar year in which an owner of a fleet
30 purchases or otherwise acquires a vehicle which is to be added to the fleet or
31 transfers plates to a fleet vehicle, the owner shall present to the director of
32 revenue the identification number as a fleet number and may register the vehicle
33 for the partial year as provided in subsection 2 of this section. The fleet owner
34 shall also be charged a transfer fee of two dollars for each vehicle so transferred
35 pursuant to this subsection.

36 4. Except as specifically provided in this subsection, all fleet vehicles
37 registered pursuant to this section shall be issued a special license plate which
38 shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the
39 manner prescribed by the advisory committee established in section
40 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee
41 beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles
42 may apply for fleet license plates bearing a company name or logo, the size and
43 design thereof subject to approval by the director. All fleet license plates shall
44 be made with fully reflective material with a common color scheme and design,
45 shall be clearly visible at night, and shall be aesthetically attractive, as
46 prescribed by section 301.130. Fleet vehicles shall be issued multiyear license
47 plates as provided in this section which shall not require issuance of a renewal
48 tab. Upon payment of appropriate registration fees, the director of revenue shall
49 issue a registration certificate or other suitable evidence of payment of the annual
50 or biennial fee, and such evidence of payment shall be carried at all times in the
51 vehicle for which it is issued. [The director of revenue shall promulgate rules and
52 regulations establishing the procedure for application and issuance of fleet vehicle
53 license plates.]

54 5. Notwithstanding the provisions of sections 307.350 to 307.390 to the
55 contrary, a fleet vehicle registered in Missouri is exempt from the requirements
56 of sections 307.350 to 307.390 if at the time of the annual fleet registration, such
57 fleet vehicle is situated outside the state of Missouri.

58 **6. Notwithstanding any other provisions of law to the contrary,**
59 **any person, company, or corporation engaged in the business of renting**

60 or leasing three thousand five hundred or more motor vehicles which
61 are to be used exclusively for rental or leasing purposes and not for
62 resale, that has applied to the director of revenue for authority to
63 operate as a lease or rental company as prescribed in section 144.070
64 may operate as a registered fleet owner as prescribed in the provisions
65 of this subsection to subsection 10 of this section.

66 (1) The director of revenue may issue license plates after
67 presentment of an application, as designed by the director, and
68 payment of an annual fee of three hundred sixty dollars for the first ten
69 plates and thirty-six dollars for each additional plate. The payment
70 and issuance of such plates shall be in lieu of registering each motor
71 vehicle with the director as otherwise provided by law.

72 (2) Such motor vehicles within the fleet shall not be exempted
73 from the safety inspection and emissions inspection provisions as
74 prescribed in chapters 307 and 643, but notwithstanding the provisions
75 of section 307.355, such inspections shall not be required to be
76 presented to the director of revenue.

77 7. A recipient of a lease or rental company license issued by the
78 director of revenue as prescribed in section 144.070 operating as a
79 registered fleet owner under this section shall register such fleet with
80 the director of revenue on an annual or biennial basis in lieu of the
81 individual motor vehicle registration periods as prescribed in sections
82 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet
83 registration, the annual fleet license plate fees prescribed in
84 subdivision (1) of subsection 6 of this section shall be doubled. An
85 agent fee as prescribed in subdivision (1) of subsection 1 of section
86 136.055 shall apply to the issuance of fleet registrations issued under
87 subsections 6 to 10 of this section, and if a biennial fleet registration is
88 elected, the agent fee shall be collected in an amount equal to the fee
89 for two years.

90 8. Prior to the issuance of fleet license plates under subsections
91 6 to 10 of this section, the applicant shall provide proof of insurance as
92 required under section 303.024 or 303.026.

93 9. The authority of a recipient of a lease or rental company
94 license issued by the director of revenue as prescribed in section
95 144.070 to operate as a fleet owner as provided in this section shall
96 expire on January 1 of the licensure period.

97 **10. A lease or rental company operating fleet license plates**
98 **issued under subsections 6 to 10 of this section shall make available,**
99 **upon request, to the director of revenue and all Missouri law**
100 **enforcement agencies any corresponding vehicle and registration**
101 **information that may be requested as prescribed by rule.**

102 **11. The director shall make all necessary rules and regulations**
103 **for the administration of this section and shall design all necessary**
104 **forms required by this section. Any rule or portion of a rule, as that**
105 **term is defined in section 536.010, that is created under the authority**
106 **delegated in this section shall become effective only if it complies with**
107 **and is subject to all the provisions of chapter 536 and, if applicable,**
108 **section 536.028. This section and chapter 536 are nonseverable and if**
109 **any of the powers vested with the general assembly under chapter 536**
110 **to review, to delay the effective date, or to disapprove and annul a rule**
111 **are subsequently held unconstitutional, then the grant of rulemaking**
112 **authority and any rule proposed or adopted after August 28, 2019, shall**
113 **be invalid and void.**

 301.560. 1. In addition to the application forms prescribed by the
2 department, each applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle
4 franchise dealer shall include a certification that the applicant has a bona fide
5 established place of business. Such application shall include an annual
6 certification that the applicant has a bona fide established place of business for
7 the first three years and only for every other year thereafter. The certification
8 shall be performed by a uniformed member of the Missouri state highway patrol
9 or authorized or designated employee stationed in the troop area in which the
10 applicant's place of business is located; except that in counties of the first
11 classification, certification may be performed by an officer of a metropolitan police
12 department when the applicant's established place of business of distributing or
13 selling motor vehicles or trailers is in the metropolitan area where the certifying
14 metropolitan police officer is employed. When the application is being made for
15 licensure as a boat manufacturer or boat dealer, certification shall be performed
16 by a uniformed member of the Missouri state water patrol stationed in the
17 district area in which the applicant's place of business is located or by a
18 uniformed member of the Missouri state highway patrol stationed in the troop
19 area in which the applicant's place of business is located or, if the applicant's

20 place of business is located within the jurisdiction of a metropolitan police
21 department in a first class county, by an officer of such metropolitan police
22 department. A bona fide established place of business for any new motor vehicle
23 franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer,
24 wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall
25 be a permanent enclosed building or structure, either owned in fee or leased and
26 actually occupied as a place of business by the applicant for the selling, bartering,
27 trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or
28 trailers and wherein the public may contact the owner or operator at any
29 reasonable time, and wherein shall be kept and maintained the books, records,
30 files and other matters required and necessary to conduct the business. The
31 applicant shall maintain a working telephone number during the entire
32 registration year which will allow the public, the department, and law
33 enforcement to contact the applicant during regular business hours. The
34 applicant shall also maintain an email address during the entire registration year
35 which may be used for official correspondence with the department. In order to
36 qualify as a bona fide established place of business for all applicants licensed
37 pursuant to this section there shall be an exterior sign displayed carrying the
38 name of the business set forth in letters at least six inches in height and clearly
39 visible to the public and there shall be an area or lot which shall not be a public
40 street on which multiple vehicles, boats, personal watercraft, or trailers may be
41 displayed. The sign shall contain the name of the dealership by which it is
42 known to the public through advertising or otherwise, which need not be identical
43 to the name appearing on the dealership's license so long as such name is
44 registered as a fictitious name with the secretary of state, has been approved by
45 its line-make manufacturer in writing in the case of a new motor vehicle
46 franchise dealer and a copy of such fictitious name registration has been provided
47 to the department. Dealers who sell only emergency vehicles as defined in section
48 301.550 are exempt from maintaining a bona fide place of business, including the
49 related law enforcement certification requirements, and from meeting the
50 minimum yearly sales;

51 (2) The initial application for licensure shall include a photograph, not to
52 exceed eight inches by ten inches but no less than five inches by seven inches,
53 showing the business building, lot, and sign. A new motor vehicle franchise
54 dealer applicant who has purchased a currently licensed new motor vehicle
55 franchised dealership shall be allowed to submit a photograph of the existing

56 dealership building, lot and sign but shall be required to submit a new
57 photograph upon the installation of the new dealership sign as required by
58 sections 301.550 to 301.580. Applicants shall not be required to submit a
59 photograph annually unless the business has moved from its previously licensed
60 location, or unless the name of the business or address has changed, or unless the
61 class of business has changed;

62 (3) Every applicant as a new motor vehicle franchise dealer, a used motor
63 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer
64 dealer, or boat dealer shall furnish with the application a corporate surety bond
65 or an irrevocable letter of credit as defined in section 400.5-102, issued by any
66 state or federal financial institution in the penal sum of fifty thousand dollars on
67 a form approved by the department. The bond or irrevocable letter of credit shall
68 be conditioned upon the dealer complying with the provisions of the statutes
69 applicable to new motor vehicle franchise dealers, used motor vehicle dealers,
70 powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat
71 dealers, and the bond shall be an indemnity for any loss sustained by reason of
72 the acts of the person bonded when such acts constitute grounds for the
73 suspension or revocation of the dealer's license. The bond shall be executed in
74 the name of the state of Missouri for the benefit of all aggrieved parties or the
75 irrevocable letter of credit shall name the state of Missouri as the beneficiary;
76 except, that the aggregate liability of the surety or financial institution to the
77 aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable
78 letter of credit. The proceeds of the bond or irrevocable letter of credit shall be
79 paid upon receipt by the department of a final judgment from a Missouri court of
80 competent jurisdiction against the principal and in favor of an aggrieved
81 party. Additionally, every applicant as a new motor vehicle franchise dealer, a
82 used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer,
83 or boat dealer shall furnish with the application a copy of a current dealer garage
84 policy bearing the policy number and name of the insurer and the insured;

85 (4) Payment of all necessary license fees as established by the
86 department. In establishing the amount of the annual license fees, the
87 department shall, as near as possible, produce sufficient total income to offset
88 operational expenses of the department relating to the administration of sections
89 301.550 to 301.580. All fees payable pursuant to the provisions of sections
90 301.550 to 301.580, other than those fees collected for the issuance of dealer
91 plates or certificates of number collected pursuant to subsection 6 of this section,

92 shall be collected by the department for deposit in the state treasury to the credit
93 of the "Motor Vehicle Commission Fund", which is hereby created. The motor
94 vehicle commission fund shall be administered by the Missouri department of
95 revenue. The provisions of section 33.080 to the contrary notwithstanding, money
96 in such fund shall not be transferred and placed to the credit of the general
97 revenue fund until the amount in the motor vehicle commission fund at the end
98 of the biennium exceeds two times the amount of the appropriation from such
99 fund for the preceding fiscal year or, if the department requires permit renewal
100 less frequently than yearly, then three times the appropriation from such fund
101 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
102 is that amount in the fund which exceeds the multiple of the appropriation from
103 such fund for the preceding fiscal year.

104 2. In the event a new vehicle manufacturer, boat manufacturer, motor
105 vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer,
106 wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction
107 submits an application for a license for a new business and the applicant has
108 complied with all the provisions of this section, the department shall make a
109 decision to grant or deny the license to the applicant within eight working hours
110 after receipt of the dealer's application, notwithstanding any rule of the
111 department.

112 3. Except as otherwise provided in subsection 6 of this section, upon the
113 initial issuance of a license by the department, the department shall assign a
114 distinctive dealer license number or certificate of number to the applicant and the
115 department shall issue one number plate or certificate bearing the distinctive
116 dealer license number or certificate of number and two additional number plates
117 or certificates of number within eight working hours after presentment of the
118 application and payment by the applicant of a fee of fifty dollars for the first plate
119 or certificate and ten dollars and fifty cents for each additional plate or
120 certificate. Upon renewal, the department shall issue the distinctive dealer
121 license number or certificate of number as quickly as possible. The issuance of
122 such distinctive dealer license number or certificate of number shall be in lieu of
123 registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat
124 dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale
125 motor vehicle dealer, wholesale motor vehicle auction or new or used motor
126 vehicle dealer. The license plates described in this section shall be made with
127 fully reflective material with a common color scheme and design, shall be clearly

128 visible at night, and shall be aesthetically attractive, as prescribed by section
129 301.130.

130 4. Notwithstanding any other provision of the law to the contrary, the
131 department shall assign the following distinctive dealer license numbers to:

132	New motor vehicle franchise dealers	D-0 through D-999
133	New powersport dealers	D-1000 through D-1999
134	Used motor vehicle and used	
135	powersport dealers	D-2000 through D-9999
136	Wholesale motor vehicle dealers	W-0 through W-1999
137	Wholesale motor vehicle auctions	WA-0 through WA-999
138	New and used trailer dealers	T-0 through T-9999
139	Motor vehicle, trailer, and	
140	boat manufacturers	DM-0 through DM-999
141	Public motor vehicle auctions	A-0 through A-1999
142	Boat dealers	M-0 through M-9999
143	New and used recreational motor	
144	vehicle dealers	RV-0 through RV-999

145 For purposes of this subsection, qualified transactions shall include the purchase
146 of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle
147 dealer who also holds a salvage dealer's license shall be allowed one additional
148 plate or certificate number per fifty-unit qualified transactions annually. In order
149 for salvage dealers to obtain number plates or certificates under this section,
150 dealers shall submit to the department of revenue on August first of each year a
151 statement certifying, under penalty of perjury, the dealer's number of purchases
152 during the reporting period of July first of the immediately preceding year to
153 June thirtieth of the present year. The provisions of this subsection shall become
154 effective on the date the director of the department of revenue begins to reissue
155 new license plates under section 301.130, or on December 1, 2008, whichever
156 occurs first. If the director of revenue begins reissuing new license plates under
157 the authority granted under section 301.130 prior to December 1, 2008, the
158 director of the department of revenue shall notify the revisor of statutes of such
159 fact.

160 5. Upon the sale of a currently licensed motor vehicle dealership the
161 department shall, upon request, authorize the new approved dealer applicant to
162 retain the selling dealer's license number and shall cause the new dealer's records
163 to indicate such transfer. If the new approved dealer applicant elects not to

164 retain the selling dealer's license number, the department shall issue the new
165 dealer applicant a new dealer's license number and an equal number of plates or
166 certificates as the department had issued to the selling dealer.

167 6. In the case of motor vehicle dealers, the department shall issue one
168 number plate bearing the distinctive dealer license number and may issue one
169 additional number plate to the applicant upon payment by the dealer of a fifty
170 dollar fee for the number plate bearing the distinctive dealer license number and
171 ten dollars and fifty cents for the additional number plate. The department may
172 issue a third plate to the motor vehicle dealer upon completion of the dealer's
173 fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents.
174 In the case of new motor vehicle manufacturers, powersport dealers, recreational
175 motor vehicle dealers, and trailer dealers, the department shall issue one number
176 plate bearing the distinctive dealer license number and may issue two additional
177 number plates to the applicant upon payment by the manufacturer or dealer of
178 a fifty dollar fee for the number plate bearing the distinctive dealer license
179 number and ten dollars and fifty cents for each additional number plate. Boat
180 dealers and boat manufacturers shall be entitled to one certificate of number
181 bearing such number upon the payment of a fifty dollar fee. Additional number
182 plates and as many additional certificates of number may be obtained upon
183 payment of a fee of ten dollars and fifty cents for each additional plate or
184 certificate. New motor vehicle manufacturers shall not be issued or possess more
185 than three hundred forty-seven additional number plates or certificates of number
186 annually. New and used motor vehicle dealers, powersport dealers, wholesale
187 motor vehicle dealers, boat dealers, and trailer dealers are limited to one
188 additional plate or certificate of number per ten-unit qualified transactions
189 annually. New and used recreational motor vehicle dealers are limited to two
190 additional plates or certificate of number per ten-unit qualified transactions
191 annually for their first fifty transactions and one additional plate or certificate
192 of number per ten-unit qualified transactions thereafter. An applicant seeking
193 the issuance of an initial license shall indicate on his or her initial application
194 the applicant's proposed annual number of sales in order for the director to issue
195 the appropriate number of additional plates or certificates of number. A motor
196 vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor
197 vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale
198 motor vehicle dealer obtaining a distinctive dealer license plate or certificate of
199 number or additional license plate or additional certificate of number, throughout

200 the calendar year, shall be required to pay a fee for such license plates or
201 certificates of number computed on the basis of one-twelfth of the full fee
202 prescribed for the original and duplicate number plates or certificates of number
203 for such dealers' licenses, multiplied by the number of months remaining in the
204 licensing period for which the dealer or manufacturers shall be required to be
205 licensed. In the event of a renewing dealer, the fee due at the time of renewal
206 shall not be prorated. Wholesale and public auctions shall be issued a certificate
207 of dealer registration in lieu of a dealer number plate. In order for dealers to
208 obtain number plates or certificates under this section, dealers shall submit to
209 the department of revenue on August first of each year a statement certifying,
210 under penalty of perjury, the dealer's number of sales during the reporting period
211 of July first of the immediately preceding year to June thirtieth of the present
212 year.

213 7. The plates issued pursuant to subsection 3 or 6 of this section may be
214 displayed on any motor vehicle owned by a new motor vehicle manufacturer. The
215 plates issued pursuant to subsection 3 or 6 of this section may be displayed on
216 any motor vehicle or trailer owned and held for resale by a motor vehicle dealer
217 for use by a customer who is test driving the motor vehicle, **for use by any**
218 **customer while the customer's vehicle is being serviced or repaired by**
219 **the motor vehicle dealer**, for use and display purposes during, but not limited
220 to, parades, private events, charitable events, or for use by an employee or officer,
221 but shall not be displayed on any motor vehicle or trailer hired or loaned to
222 others or upon any regularly used service or wrecker vehicle. Motor vehicle
223 dealers may display their dealer plates on a tractor, truck or trailer to
224 demonstrate a vehicle under a loaded condition. Trailer dealers may display their
225 dealer license plates in like manner, except such plates may only be displayed on
226 trailers owned and held for resale by the trailer dealer.

227 8. The certificates of number issued pursuant to subsection 3 or 6 of this
228 section may be displayed on any vessel or vessel trailer owned and held for resale
229 by a boat manufacturer or a boat dealer, and used by a customer who is test
230 driving the vessel or vessel trailer, or is used by an employee or officer on a vessel
231 or vessel trailer only, but shall not be displayed on any motor vehicle owned by
232 a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer
233 hired or loaned to others or upon any regularly used service vessel or vessel
234 trailer. Boat dealers and boat manufacturers may display their certificate of
235 number on a vessel or vessel trailer when transporting a vessel or vessels to an

236 exhibit or show.

237 9. If any law enforcement officer has probable cause to believe that any
238 license plate or certificate of number issued under subsection 3 or 6 of this section
239 is being misused in violation of subsection 7 or 8 of this section, the license plate
240 or certificate of number may be seized and surrendered to the department.

241 10. (1) Every application for the issuance of a used motor vehicle dealer's
242 license shall be accompanied by proof that the applicant, within the last twelve
243 months, has completed an educational seminar course approved by the
244 department as prescribed by subdivision (2) of this subsection. Wholesale and
245 public auto auctions and applicants currently holding a new or used license for
246 a separate dealership shall be exempt from the requirements of this
247 subsection. The provisions of this subsection shall not apply to current new
248 motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for
249 a new motor vehicle franchise or a motor vehicle leasing agency. The provisions
250 of this subsection shall not apply to used motor vehicle dealers who were licensed
251 prior to August 28, 2006.

252 (2) The educational seminar shall include, but is not limited to, the dealer
253 requirements of sections 301.550 to 301.580, the rules promulgated to implement,
254 enforce, and administer sections 301.550 to 301.580, and any other rules and
255 regulations promulgated by the department.

302.170. 1. As used in this section, the following terms shall mean:

- 2 (1) "Biometric data", shall include, but not be limited to, the following:
- 3 (a) Facial feature pattern characteristics;
- 4 (b) Voice data used for comparing live speech with a previously created
5 speech model of a person's voice;
- 6 (c) Iris recognition data containing color or texture patterns or codes;
- 7 (d) Retinal scans, reading through the pupil to measure blood vessels
8 lining the retina;
- 9 (e) Fingerprint, palm prints, hand geometry, measure of any and all
10 characteristics of biometric information, including shape and length of fingertips,
11 or recording ridge pattern or fingertip characteristics;
- 12 (f) Eye spacing;
- 13 (g) Characteristic gait or walk;
- 14 (h) DNA;
- 15 (i) Keystroke dynamic, measuring pressure applied to key pads or other
16 digital receiving devices;

17 (2) "Commercial purposes", shall not include data used or compiled solely
18 to be used for, or obtained or compiled solely for purposes expressly allowed
19 under Missouri law or the federal Drivers Privacy Protection Act;

20 (3) "Source documents", original or certified copies, where applicable, of
21 documents presented by an applicant as required under 6 CFR Part 37 to the
22 department of revenue to apply for a driver's license or nondriver's
23 license. Source documents shall also include any documents required for the
24 issuance of driver's licenses or nondriver's licenses by the department of revenue
25 under the provisions of this chapter or accompanying regulations.

26 2. Except as provided in subsection 3 of this section and as required to
27 carry out the provisions of subsection 4 of this section, the department of revenue
28 shall not retain copies, in any format, of source documents presented by
29 individuals applying for or holding driver's licenses or nondriver's licenses or use
30 technology to capture digital images of source documents so that the images are
31 capable of being retained in electronic storage in a transferable
32 format. Documents retained as provided or required by subsection 4 of this
33 section shall be stored solely on a system not connected to the internet nor to a
34 wide area network that connects to the internet. Once stored on such system, the
35 documents and data shall be purged from any systems on which they were
36 previously stored so as to make them irretrievable.

37 3. The provisions of this section shall not apply to:

38 (1) Original application forms, which may be retained but not scanned
39 except as provided in this section;

40 (2) Test score documents issued by state highway patrol driver examiners
41 **and Missouri commercial third-party tester examiners;**

42 (3) Documents demonstrating lawful presence of any applicant who is not
43 a citizen of the United States, including documents demonstrating duration of the
44 person's lawful presence in the United States;

45 (4) Any document required to be retained under federal motor carrier
46 regulations in Title 49, Code of Federal Regulations, including but not limited to
47 documents required by federal law for the issuance of a commercial driver's
48 license and a commercial driver instruction permit;

49 (5) Documents submitted by a commercial driver's license **or commercial**
50 **driver's instruction permit** applicant who is a Missouri resident and is [active
51 duty military or a veteran, as "veteran" is defined in 38 U.S.C. Section 101] **a**
52 **qualified current or former military service member**, which allows for

53 waiver of the commercial driver's license knowledge test, skills test, or both; and
54 (6) Any other document at the request of and for the convenience of the
55 applicant where the applicant requests the department of revenue review
56 alternative documents as proof required for issuance of a driver's license,
57 nondriver's license, or instruction permit.

58 4. (1) To the extent not prohibited under subsection 13 of this section, the
59 department of revenue shall amend procedures for applying for a driver's license
60 or identification card in order to comply with the goals or standards of the federal
61 REAL ID Act of 2005, any rules or regulations promulgated under the authority
62 granted in such Act, or any requirements adopted by the American Association
63 of Motor Vehicle Administrators for furtherance of the Act, unless such action
64 conflicts with Missouri law.

65 (2) The department of revenue shall issue driver's licenses or
66 identification cards that are compliant with the federal REAL ID Act of 2005, as
67 amended, to all applicants for driver's licenses or identification cards unless an
68 applicant requests a driver's license or identification card that is not REAL ID
69 compliant. Except as provided in subsection 3 of this section and as required to
70 carry out the provisions of this subsection, the department of revenue shall not
71 retain the source documents of individuals applying for driver's licenses or
72 identification cards not compliant with REAL ID. Upon initial application for a
73 driver's license or identification card, the department shall inform applicants of
74 the option of being issued a REAL ID compliant driver's license or identification
75 card or a driver's license or identification card that is not compliant with REAL
76 ID. The department shall inform all applicants:

77 (a) With regard to the REAL ID compliant driver's license or identification
78 card:

79 a. Such card is valid for official state purposes and for official federal
80 purposes as outlined in the federal REAL ID Act of 2005, as amended, such as
81 domestic air travel and seeking access to military bases and most federal
82 facilities;

83 b. Electronic copies of source documents will be retained by the
84 department and destroyed after the minimum time required for digital retention
85 by the federal REAL ID Act of 2005, as amended;

86 c. The facial image capture will only be retained by the department if the
87 application is finished and submitted to the department; and

88 d. Any other information the department deems necessary to inform the

89 applicant about the REAL ID compliant driver's license or identification card
90 under the federal REAL ID Act;

91 (b) With regard to a driver's license or identification card that is not
92 compliant with the federal REAL ID Act:

93 a. Such card is valid for official state purposes, but it is not valid for
94 official federal purposes as outlined in the federal REAL ID Act of 2005, as
95 amended, such as domestic air travel and seeking access to military bases and
96 most federal facilities;

97 b. Source documents will be verified but no copies of such documents will
98 be retained by the department unless permitted under subsection 3 of this
99 section, except as necessary to process a request by a license or card holder or
100 applicant;

101 c. Any other information the department deems necessary to inform the
102 applicant about the driver's license or identification card.

103 5. The department of revenue shall not use, collect, obtain, share, or
104 retain biometric data nor shall the department use biometric technology to
105 produce a driver's license or nondriver's license or to uniquely identify licensees
106 or license applicants. This subsection shall not apply to digital images nor
107 licensee signatures required for the issuance of driver's licenses and nondriver's
108 licenses or to biometric data collected from employees of the department of
109 revenue, employees of the office of administration who provide information
110 technology support to the department of revenue, contracted license offices, and
111 contracted manufacturers engaged in the production, processing, or manufacture
112 of driver's licenses or identification cards in positions which require a background
113 check in order to be compliant with the federal REAL ID Act or any rules or
114 regulations promulgated under the authority of such Act. Except as otherwise
115 provided by law, applicants' source documents and Social Security numbers shall
116 not be stored in any database accessible by any other state or the federal
117 government. Such database shall contain only the data fields included on driver's
118 licenses and nondriver identification cards compliant with the federal REAL ID
119 Act, and the driving records of the individuals holding such driver's licenses and
120 nondriver identification cards.

121 6. Notwithstanding any provision of this chapter that requires an
122 applicant to provide reasonable proof of lawful presence for issuance or renewal
123 of a noncommercial driver's license, noncommercial instruction permit, or a
124 nondriver's license, an applicant shall not have his or her privacy rights violated

125 in order to obtain or renew a Missouri noncommercial driver's license,
126 noncommercial instruction permit, or a nondriver's license.

127 7. No citizen of this state shall have his or her privacy compromised by
128 the state or agents of the state. The state shall within reason protect the
129 sovereignty of the citizens the state is entrusted to protect. Any data derived
130 from a person's application shall not be sold for commercial purposes to any other
131 organization or any other state without the express permission of the applicant
132 without a court order; except such information may be shared with a law
133 enforcement agency, judge, prosecuting attorney, or officer of the court, or with
134 another state for the limited purposes set out in section 302.600, or for the
135 purposes set forth in section 32.091, or for conducting driver history checks in
136 compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section
137 31309. The state of Missouri shall protect the privacy of its citizens when
138 handling any written, digital, or electronic data, and shall not participate in any
139 standardized identification system using driver's and nondriver's license records
140 except as provided in this section.

141 8. Other than to process a request by a license or card holder or applicant,
142 no person shall access, distribute, or allow access to or distribution of any
143 written, digital, or electronic data collected or retained under this section without
144 the express permission of the applicant or a court order, except that such
145 information may be shared with a law enforcement agency, judge, prosecuting
146 attorney, or officer of the court, or with another state for the limited purposes set
147 out in section 302.600 or for conducting driver history checks in compliance with
148 the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first
149 violation of this subsection shall be a class A misdemeanor. A second violation
150 of this subsection shall be a class E felony. A third or subsequent violation of
151 this subsection shall be a class D felony.

152 9. Any person harmed or damaged by any violation of this section may
153 bring a civil action for damages, including noneconomic and punitive damages,
154 as well as injunctive relief, in the circuit court where that person resided at the
155 time of the violation or in the circuit court of Cole County to recover such
156 damages from the department of revenue and any persons participating in such
157 violation. Sovereign immunity shall not be available as a defense for the
158 department of revenue in such an action. In the event the plaintiff prevails on
159 any count of his or her claim, the plaintiff shall be entitled to recover reasonable
160 attorney fees from the defendants.

161 10. The department of revenue may promulgate rules necessary to
162 implement the provisions of this section. Any rule or portion of a rule, as that
163 term is defined in section 536.010, that is created under the authority delegated
164 in this section shall become effective only if it complies with and is subject to all
165 of the provisions of chapter 536 and, if applicable, section 536.028. This section
166 and chapter 536 are nonseverable and if any of the powers vested with the
167 general assembly pursuant to chapter 536 to review, to delay the effective date,
168 or to disapprove and annul a rule are subsequently held unconstitutional, then
169 the grant of rulemaking authority and any rule proposed or adopted after August
170 28, 2017, shall be invalid and void.

171 11. Biometric data, digital images, source documents, and licensee
172 signatures, or any copies of the same, required to be collected or retained to
173 comply with the requirements of the federal REAL ID Act of 2005 shall be
174 digitally retained for no longer than the minimum duration required to maintain
175 compliance, and immediately thereafter shall be securely destroyed so as to make
176 them irretrievable.

177 12. No agency, department, or official of this state or of any political
178 subdivision thereof shall use, collect, obtain, share, or retain radio frequency
179 identification data from a REAL ID compliant driver's license or identification
180 card issued by a state, nor use the same to uniquely identify any individual.

181 13. Notwithstanding any provision of law to the contrary, the department
182 of revenue shall not amend procedures for applying for a driver's license or
183 identification card, nor promulgate any rule or regulation, for purposes of
184 complying with modifications made to the federal REAL ID Act of 2005 after
185 August 28, 2017, imposing additional requirements on applications, document
186 retention, or issuance of compliant licenses or cards, including any rules or
187 regulations promulgated under the authority granted under the federal REAL ID
188 Act of 2005, as amended, or any requirements adopted by the American
189 Association of Motor Vehicle Administrators for furtherance thereof.

190 14. If the federal REAL ID Act of 2005 is modified or repealed such that
191 driver's licenses and identification cards issued by this state that are not
192 compliant with the federal REAL ID Act of 2005 are once again sufficient for
193 federal identification purposes, the department shall not issue a driver's license
194 or identification card that complies with the federal REAL ID Act of 2005 and
195 shall securely destroy, within thirty days, any source documents retained by the
196 department for the purpose of compliance with such Act.

197 15. The provisions of this section shall expire five years after August 28,
198 2017.

302.171. 1. The director shall verify that an applicant for a driver's
2 license is a Missouri resident or national of the United States or a noncitizen
3 with a lawful immigration status, and a Missouri resident before accepting the
4 application. The director shall not issue a driver's license for a period that
5 exceeds the duration of an applicant's lawful immigration status in the United
6 States. The director may establish procedures to verify the Missouri residency
7 or United States naturalization or lawful immigration status and Missouri
8 residency of the applicant and establish the duration of any driver's license issued
9 under this section. An application for a license shall be made upon an approved
10 form furnished by the director. Every application shall state the full name, Social
11 Security number, age, height, weight, color of eyes, sex, residence, mailing
12 address of the applicant, and the classification for which the applicant has been
13 licensed, and, if so, when and by what state, and whether or not such license has
14 ever been suspended, revoked, or disqualified, and, if revoked, suspended or
15 disqualified, the date and reason for such suspension, revocation or
16 disqualification and whether the applicant is making a one dollar donation to
17 promote an organ donation program as prescribed in subsection 2 of this section.
18 A driver's license, nondriver's license, or instruction permit issued under this
19 chapter shall contain the applicant's legal name as it appears on a birth
20 certificate or as legally changed through marriage or court order. No name
21 change by common usage based on common law shall be permitted. The
22 application shall also contain such information as the director may require to
23 enable the director to determine the applicant's qualification for driving a motor
24 vehicle; and shall state whether or not the applicant has been convicted in this
25 or any other state for violating the laws of this or any other state or any
26 ordinance of any municipality, relating to driving without a license, careless
27 driving, or driving while intoxicated, or failing to stop after an accident and
28 disclosing the applicant's identity, or driving a motor vehicle without the owner's
29 consent. The application shall contain a certification by the applicant as to the
30 truth of the facts stated therein. Every person who applies for a license to
31 operate a motor vehicle who is less than twenty-one years of age shall be provided
32 with educational materials relating to the hazards of driving while intoxicated,
33 including information on penalties imposed by law for violation of the
34 intoxication-related offenses of the state. Beginning January 1, 2001, if the

35 applicant is less than eighteen years of age, the applicant must comply with all
36 requirements for the issuance of an intermediate driver's license pursuant to
37 section 302.178. For persons mobilized and deployed with the United States
38 Armed Forces, an application under this subsection shall be considered
39 satisfactory by the department of revenue if it is signed by a person who holds
40 general power of attorney executed by the person deployed, provided the applicant
41 meets all other requirements set by the director.

42 2. An applicant for a license may make a donation of one dollar to promote
43 an organ donor program. The director of revenue shall collect the donations and
44 deposit all such donations in the state treasury to the credit of the organ donor
45 program fund established in sections 194.297 to 194.304. Moneys in the organ
46 donor program fund shall be used solely for the purposes established in sections
47 194.297 to 194.304 except that the department of revenue shall retain no more
48 than one percent for its administrative costs. The donation prescribed in this
49 subsection is voluntary and may be refused by the applicant for the license at the
50 time of issuance or renewal of the license. The director shall make available an
51 informational booklet or other informational sources on the importance of organ
52 and tissue donations to applicants for licensure as designed by the organ donation
53 advisory committee established in sections 194.297 to 194.304. The director shall
54 inquire of each applicant at the time the licensee presents the completed
55 application to the director whether the applicant is interested in making the one
56 dollar donation prescribed in this subsection and whether the applicant is
57 interested in inclusion in the organ donor registry and shall also specifically
58 inform the licensee of the ability to consent to organ donation by [completing the
59 form on the reverse of the license that the applicant will receive in the manner]
60 **placing a donor symbol sticker authorized and issued by the**
61 **department of health and senior services on the back of his or her**
62 **driver's license or identification card** as prescribed by subdivision (1) of
63 subsection 1 of section 194.225. A symbol [shall] **may** be placed on the front of
64 the [document] **license or identification card** indicating the applicant's desire
65 to be listed in the registry **at the applicant's request at the time of his or**
66 **her application for a driver's license or identification card, or the**
67 **applicant may instead request an organ donor sticker from the**
68 **department of health and senior services by application on the**
69 **department of health and senior services' website. Upon receipt of an**
70 **organ donor sticker sent by the department of health and senior**

71 **services, the applicant shall place the sticker on the back of his or her**
72 **driver's license or identification card to indicate that he or she has**
73 **made an anatomical gift.** The director shall notify the department of health
74 and senior services of information obtained from applicants who indicate to the
75 director that they are interested in registry participation, and the department of
76 health and senior services shall enter the complete name, address, date of birth,
77 race, gender and a unique personal identifier in the registry established in
78 subsection 1 of section 194.304.

79 3. An applicant for a license may make a donation of one dollar to promote
80 a blindness education, screening and treatment program. The director of revenue
81 shall collect the donations and deposit all such donations in the state treasury to
82 the credit of the blindness education, screening and treatment program fund
83 established in section 209.015. Moneys in the blindness education, screening and
84 treatment program fund shall be used solely for the purposes established in
85 section 209.015; except that the department of revenue shall retain no more than
86 one percent for its administrative costs. The donation prescribed in this
87 subsection is voluntary and may be refused by the applicant for the license at the
88 time of issuance or renewal of the license. The director shall inquire of each
89 applicant at the time the licensee presents the completed application to the
90 director whether the applicant is interested in making the one dollar donation
91 prescribed in this subsection.

92 4. Beginning July 1, 2005, the director shall deny the driving privilege of
93 any person who commits fraud or deception during the examination process or
94 who makes application for an instruction permit, driver's license, or nondriver's
95 license which contains or is substantiated with false or fraudulent information
96 or documentation, or who knowingly conceals a material fact or otherwise
97 commits a fraud in any such application. The period of denial shall be one year
98 from the effective date of the denial notice sent by the director. The denial shall
99 become effective ten days after the date the denial notice is mailed to the
100 person. The notice shall be mailed to the person at the last known address shown
101 on the person's driving record. The notice shall be deemed received three days
102 after mailing unless returned by the postal authorities. No such individual shall
103 reapply for a driver's examination, instruction permit, driver's license, or
104 nondriver's license until the period of denial is completed. No individual who is
105 denied the driving privilege under this section shall be eligible for a limited
106 driving privilege issued under section 302.309.

107 5. All appeals of denials under this section shall be made as required by
108 section 302.311.

109 6. The period of limitation for criminal prosecution under this section
110 shall be extended under subdivision (1) of subsection 3 of section 556.036.

111 7. The director may promulgate rules and regulations necessary to
112 administer and enforce this section. No rule or portion of a rule promulgated
113 pursuant to the authority of this section shall become effective unless it has been
114 promulgated pursuant to chapter 536.

115 8. Notwithstanding any provision of this chapter that requires an
116 applicant to provide proof of Missouri residency for renewal of a noncommercial
117 driver's license, noncommercial instruction permit, or nondriver's license, an
118 applicant who is sixty-five years and older and who was previously issued a
119 Missouri noncommercial driver's license, noncommercial instruction permit, or
120 Missouri nondriver's license is exempt from showing proof of Missouri residency.

121 9. Notwithstanding any provision of this chapter, for the renewal of a
122 noncommercial driver's license, noncommercial instruction permit, or nondriver's
123 license, a photocopy of an applicant's United States birth certificate along with
124 another form of identification approved by the department of revenue, including,
125 but not limited to, United States military identification or United States military
126 discharge papers, shall constitute sufficient proof of Missouri citizenship.

127 10. Notwithstanding any other provision of this chapter, if an applicant
128 does not meet the requirements of subsection 8 of this section and does not have
129 the required documents to prove Missouri residency, United States
130 naturalization, or lawful immigration status, the department may issue a one-
131 year driver's license renewal. This one-time renewal shall only be issued to an
132 applicant who previously has held a Missouri noncommercial driver's license,
133 noncommercial instruction permit, or nondriver's license for a period of fifteen
134 years or more and who does not have the required documents to prove Missouri
135 residency, United States naturalization, or lawful immigration status. After the
136 expiration of the one-year period, no further renewal shall be provided without
137 the applicant producing proof of Missouri residency, United States naturalization,
138 or lawful immigration status.

 302.720. 1. Except when operating under an instruction permit as
2 described in this section, no person may drive a commercial motor vehicle unless
3 the person has been issued a commercial driver's license with applicable
4 endorsements valid for the type of vehicle being operated as specified in sections

5 302.700 to 302.780. A commercial driver's instruction permit shall allow the
6 holder of a valid license to operate a commercial motor vehicle when accompanied
7 by the holder of a commercial driver's license valid for the vehicle being operated
8 and who occupies a seat beside the individual, or reasonably near the individual
9 in the case of buses, for the purpose of giving instruction in driving the
10 commercial motor vehicle. No person may be issued a commercial driver's
11 instruction permit until he or she has passed written tests which comply with the
12 minimum federal standards. A commercial driver's instruction permit shall be
13 **nonrenewable and** valid for the vehicle being operated for a period of not more
14 than **[six months] one year**, and shall not be issued until the permit holder has
15 met all other requirements of sections 302.700 to 302.780, except for the driving
16 test. [A permit holder, unless otherwise disqualified, may be granted one six-
17 month renewal within a one-year period.] The fee for such permit or renewal
18 shall be **[five] ten** dollars. [In the alternative, a commercial driver's instruction
19 permit shall be issued for a thirty-day period to allow the holder of a valid
20 driver's license to operate a commercial motor vehicle if the applicant has
21 completed all other requirements except the driving test. The permit may be
22 renewed for one additional thirty-day period and the fee for the permit and for
23 renewal shall be five dollars.] **The fee for a duplicate commercial driver's**
24 **instruction permit shall be five dollars.**

25 2. No person may be issued a commercial driver's license until he has
26 passed written and driving tests for the operation of a commercial motor vehicle
27 which complies with the minimum federal standards established by the Secretary
28 and has satisfied all other requirements of the Commercial Motor Vehicle Safety
29 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements
30 imposed by state law. **Beginning January 1, 2020, all applicants for a**
31 **commercial driver's license shall complete any entry-level driver**
32 **training program established and required under 49 CFR 380.609.** All
33 applicants for a commercial driver's license shall have maintained the
34 appropriate class of commercial driver's instruction permit issued by this state
35 or any other state for a minimum of fourteen calendar days prior to the date of
36 taking the skills test. Applicants for a hazardous materials endorsement must
37 also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law
38 107-56) as specified and required by regulations promulgated by the
39 Secretary. Nothing contained in this subsection shall be construed as prohibiting
40 the director from establishing alternate testing formats for those who are

41 functionally illiterate; provided, however, that any such alternate test must
42 comply with the minimum requirements of the Commercial Motor Vehicle Safety
43 Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

44 (1) The written and driving tests shall be held at such times and in such
45 places as the superintendent may designate. A twenty-five dollar examination
46 fee shall be paid by the applicant upon completion of any written or driving test,
47 except the examination fee shall be waived for applicants seventy years of age or
48 older renewing a license with a school bus endorsement. The director shall
49 delegate the power to conduct the examinations required under sections 302.700
50 to 302.780 to any member of the highway patrol or any person employed by the
51 highway patrol qualified to give driving examinations. The written test shall only
52 be administered in the English language. No translators shall be allowed for
53 applicants taking the test.

54 (2) The director shall adopt and promulgate rules and regulations
55 governing the certification of third-party testers by the department of
56 revenue. Such rules and regulations shall substantially comply with the
57 requirements of 49 CFR 383, Section 383.75. A certification to conduct third-
58 party testing shall be valid for one year, and the department shall charge a fee
59 of one hundred dollars to issue or renew the certification of any third-party tester.

60 (3) Beginning August 28, 2006, the director shall [only] issue or renew
61 third-party tester certification to community colleges established under chapter
62 178 or to private companies who own, lease, or maintain their own fleet and
63 administer in-house testing to their employees, or to school districts and their
64 agents that administer in-house testing to the school district's or agent's
65 employees. Any third-party tester who violates any of the rules and regulations
66 adopted and promulgated pursuant to this section shall be subject to having his
67 certification revoked by the department. The department shall provide written
68 notice and an opportunity for the third-party tester to be heard in substantially
69 the same manner as provided in chapter 536. If any applicant submits evidence
70 that he has successfully completed a test administered by a third-party tester, the
71 actual driving test for a commercial driver's license may then be waived.

72 (4) Every applicant for renewal of a commercial driver's license shall
73 provide such certifications and information as required by the Secretary and if
74 such person transports a hazardous material must also meet the requirements of
75 the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and
76 required by regulations promulgated by the Secretary. Such person shall be

77 required to take the written test for such endorsement. A twenty-five dollar
78 examination fee shall be paid upon completion of such tests.

79 (5) The director shall have the authority to waive the driving skills test
80 **and written tests** for any qualified **current or former military service**
81 **member** applicant for a commercial driver's **instruction permit or a**
82 **commercial driver's** license who is currently licensed at the time of application
83 for a commercial driver's **instruction permit or** license. The director shall
84 impose conditions and limitations **and require certification and evidence** to
85 restrict the applicants from whom the department may accept **the** alternative
86 requirements for the skills [test] **and written tests** described in federal
87 [regulation] **regulations 49 CFR 383.71 and 49 CFR 383.77**. [An applicant
88 must certify that, during the two-year period immediately preceding application
89 for a commercial driver's license, all of the following apply:

90 (a) The applicant has not had more than one license;

91 (b) The applicant has not had any license suspended, revoked, or
92 cancelled;

93 (c) The applicant has not had any convictions for any type of motor vehicle
94 for the disqualifying offenses contained in this chapter or federal rule 49 CFR
95 383.51(b);

96 (d) The applicant has not had more than one conviction for any type of
97 motor vehicle for serious traffic violations;

98 (e) The applicant has not had any conviction for a violation of state or
99 local law relating to motor vehicle traffic control, but not including any parking
100 violation, arising in connection with any traffic accident, and has no record of an
101 accident in which he or she was at fault;

102 (f) The applicant has been regularly employed within the last ninety days
103 in a military position requiring operation of a commercial motor vehicle and has
104 operated the vehicle for at least sixty days during the two years immediately
105 preceding application for a commercial driver's license. The vehicle must be
106 representative of the commercial motor vehicle the driver applicant operates or
107 expects to operate;

108 (g) The applicant, if on active duty, must provide a notarized affidavit
109 signed by a commanding officer as proof of driving experience as indicated in
110 paragraph (f) of this subdivision;

111 (h) The applicant, if honorably discharged from military service, must
112 provide a form-DD214 or other proof of military occupational specialty;

113 (i) The applicant must meet all federal and state qualifications to operate
114 a commercial vehicle[;], and

115 [(j)] the applicant will be required to complete all applicable knowledge
116 tests, **except when an applicant provides proof of approved military**
117 **training for waiving the knowledge and skills tests as specified in this**
118 **subdivision.**

119 3. A commercial driver's license or commercial driver's instruction permit
120 may not be issued to a person while the person is disqualified from driving a
121 commercial motor vehicle, when a disqualification is pending in any state or while
122 the person's driver's license is suspended, revoked, or cancelled in any state; nor
123 may a commercial driver's license be issued unless the person first surrenders in
124 a manner prescribed by the director any commercial driver's license issued by
125 another state, which license shall be returned to the issuing state for
126 cancellation.

127 4. Beginning July 1, 2005, the director shall not issue an instruction
128 permit under this section unless the director verifies that the applicant is
129 lawfully present in the United States before accepting the application. The
130 director may, by rule or regulation, establish procedures to verify the lawful
131 presence of the applicant under this section. No rule or portion of a rule
132 promulgated pursuant to the authority of this section shall become effective
133 unless it has been promulgated pursuant to chapter 536.

134 5. Notwithstanding the provisions of this section or any other law to the
135 contrary, beginning August 28, 2008, the director of the department of revenue
136 shall certify as a third-party tester any municipality that owns, leases, or
137 maintains its own fleet that requires certain employees as a condition of
138 employment to hold a valid commercial driver's license; and that administered in-
139 house testing to such employees prior to August 28, 2006.

140 **6. Notwithstanding the provisions of this section or any other**
141 **law to the contrary, beginning December 1, 2019, the director of the**
142 **department of revenue shall certify as a third-party tester any private**
143 **education institution or other private entity, provided the institution**
144 **or entity meets the necessary qualifications required by the state.**

302.768. 1. Any applicant for a commercial driver's license or commercial
2 driver's instruction permit shall comply with the Federal Motor Carrier Safety
3 Administration application requirements of 49 CFR Part 383.71 by certifying to
4 one of the following applicable statements relating to federal and state driver

5 qualification rules:

6 (1) Nonexcepted interstate: certifies the applicant is a driver operating
7 or expecting to operate in interstate or foreign commerce, or is otherwise subject
8 to and meets requirements of 49 CFR Part 391 and is required to obtain a
9 medical examiner's certificate as defined in 49 CFR Part 391.45;

10 (2) Excepted interstate: certifies the applicant is a driver operating or
11 expecting to operate entirely in interstate commerce that is not subject to Part
12 391 and is subject to Missouri driver qualifications and not required to obtain a
13 medical examiner's certificate;

14 (3) Nonexcepted intrastate: certifies the applicant is a driver operating
15 only in intrastate commerce and is subject to Missouri driver qualifications;

16 (4) Excepted intrastate: certifies the applicant operates or expects to
17 operate only in intrastate commerce, and engaging only in operations excepted
18 from all parts of the Missouri driver qualification requirements.

19 2. Any applicant who cannot meet certification requirements under one
20 of the categories defined in subsection 1 of this section shall be denied issuance
21 of a commercial driver's license or commercial driver's instruction permit.

22 3. An applicant certifying to operation in nonexcepted interstate or
23 nonexcepted intrastate commerce shall provide the state with an original or copy
24 of a current medical examiner's certificate or a medical examiner's certificate
25 accompanied by a medical variance or waiver, **until such time as the medical**
26 **examiner's certificate information is received electronically through**
27 **the Federal Motor Carrier Safety Administration approved verification**
28 **system.** The state shall retain the [original or copy of the] documentation of
29 physical qualification for a minimum of three years beyond the date the
30 certificate was issued.

31 4. Applicants certifying to operation in nonexcepted interstate commerce
32 or nonexcepted intrastate commerce shall provide [an] updated medical certificate
33 or variance [documents] **information** to maintain a certified status during the
34 term of the commercial driver's license or commercial driver's instruction permit
35 in order to retain commercial privileges.

36 5. The director shall post the medical examiner's certificate of
37 information, medical variance if applicable, the applicant's self-certification and
38 certification status to the Missouri driver record within ten calendar days and
39 such information will become part of the CDLIS driver record.

40 6. Applicants certifying to operation in nonexcepted interstate commerce

41 or nonexcepted intrastate commerce who fail to provide or maintain a current
42 medical examiner's certificate, or if the state has received notice of a medical
43 variance or waiver expiring or being rescinded, the state shall, within ten
44 calendar days, update the driver's medical certification status to "not
45 certified". The state shall notify the driver of the change in certification status
46 and require the driver to annually comply with requirements for a commercial
47 driver's license downgrade within sixty days of the expiration of the applicant
48 certification.

49 7. The department of revenue may, by rule, establish the cost and criteria
50 for submission of updated medical certification status information as required
51 under this section.

52 8. Any person who falsifies any information in an application for or
53 update of medical certification status information for a commercial driver's
54 license shall not be licensed to operate a commercial motor vehicle, or the
55 person's commercial driver's license shall be cancelled for a period of one year
56 after the director discovers such falsification.

57 9. The director may promulgate rules and regulations necessary to
58 administer and enforce this section. Any rule or portion of a rule, as that term
59 is defined in section 536.010, that is created under the authority delegated in this
60 section shall become effective only if it complies with and is subject to all of the
61 provisions of chapter 536 and, if applicable, section 536.028. This section and
62 chapter 536 are nonseverable and if any of the powers vested with the general
63 assembly pursuant to chapter 536 to review, to delay the effective date, or to
64 disapprove and annul a rule are subsequently held unconstitutional, then the
65 grant of rulemaking authority and any rule proposed or adopted after August 28,
66 2012, shall be invalid and void.